

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LEON GODFREY,	)	
	)	Civil Action No. 05-1106
Petitioner,	)	
	)	Judge Gary L. Lancaster/
vs.	)	Magistrate Judge Lisa
	)	Pupo Lenihan
GEORGE N. PATRICK, Superintendent	)	
of the State Correctional	)	
Institution at Houtzdale, JEFFREY	)	
BEARD, Secretary, Pennsylvania	)	
Department of Corrections, and	)	
THE ATTORNEY GENERAL OF	)	
PENNSYLVANIA, and THE DISTRICT	)	
ATTORNEY OF ALLEGHENY COUNTY,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

The above-captioned Petition was received by the Clerk of Court on August 9, 2005, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 17), filed on September 19, 2006, recommended that the Petition for Writ of Habeas Corpus be dismissed as untimely and/or as procedurally defaulted, and that a certificate of appealability be denied. Service was made on the Petitioner's counsel of record, Caroline Roberto, at the Law & Finance Building, 5th Floor, Pittsburgh, PA 15219 and on counsel of record for the Respondents. The parties were informed that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule

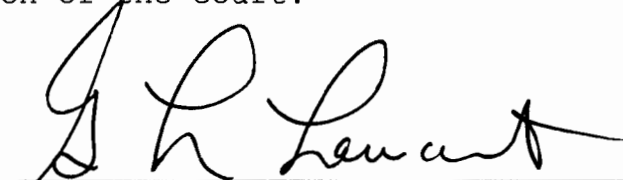
72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. No objections were filed. After de novo review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 12 day of Oct, 2006;

**IT IS HEREBY ORDERED** that the Petition for Writ of Habeas Corpus is **DISMISSED**.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 17) of Magistrate Judge Lenihan, dated September 19, 2006, is adopted as the opinion of the court.

  
\_\_\_\_\_  
The Honorable Gary L. Lancaster  
United States District Court Judge

cc: Lisa Pupo Lenihan  
UNITED STATES MAGISTRATE JUDGE

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